



FISCAL MEMORANDUM

HB 485 - SB 589

March 8, 2023

SUMMARY OF BILL AS AMENDED (003950, 005166): Requires the application of points to the driving record of a person who is under 18 years of age for a second or subsequent violation of the hands-free law. Effective January 1, 2024.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – To the extent that the required modifications to the Department of Safety’s A-List system can be accomplished within available resources provided under the current vendor contract, the proposed legislation will not result in a significant increase in state expenditures. However, if the scope of work required by this and other legislation subsequently enacted exhausts the relevant contract provision, the proposed legislation could result in an increase in state expenditures up to \$38,000 in FY23-24.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 55-8-199 prohibits a person from the following while operating a motor vehicle on any road or highway:
 - Physically holding or supporting with any part of the person’s body a wireless telecommunication device or stand-alone electronic device;
 - Writing, sending, or reading any text-based communication, with certain exceptions;
 - Reaching for a wireless communication device or stand-alone electronic device in a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt;
 - Watching a video or movie on a wireless communication device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or
 - Recording or broadcasting video on a wireless communication device or stand-alone electronic device, with certain exceptions.
- A violation of the provisions above is a Class C misdemeanor, subject only to imposition of a fine not to exceed \$50, with certain escalatory clauses and exclusions.
- The proposed legislation requires seven points to be charged to the driving record of a person who is under 18 years of age for a second or subsequent offense of these provisions.

- This will require some changes to the Department of Safety's (DOS) A-List software system to be performed by the relevant vendor. It is assumed that these modifications can be accomplished by the vendor under the current contractual agreement without a need for additional expenditures; therefore, any fiscal impact to DOS is estimated to be not significant.
- However, if the scope of work required by this and other legislation subsequently enacted exhausts the relevant contract provision, the proposed legislation could result in an increase in state expenditures up to \$38,000 in FY23-24.
- Passage of this legislation is not expected to result in a decrease in violations or convictions of the hands-free law.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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